

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARNOLD JUSTICE,

Plaintiff, No. CIV S 04-0684 GEB EFB P

vs.

JAN SCULLY, et al.,

Defendants. ORDER

On October 2, 2006, defendants filed a motion to dismiss pursuant to Fed. R. Civ. P.

12(b). Plaintiff has not opposed the motion.

A responding party's failure "to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." L. R. 78-230(m). Failure to comply with any order or with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." L. R. 11-110. The court may recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with Federal Rules of Civil

1 Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se*  
2 plaintiff's failure to comply with local rule regarding notice of change of address affirmed);

3 On September 17, 2006, the court advised plaintiff of the requirements for filing an  
4 opposition to the motion, and that failure to comply with the Local Rules could result in a  
5 recommendation of dismissal.

6 Accordingly, it is hereby ORDERED that, within 30 days of the date of this order,  
7 plaintiff shall file either an opposition to the motion to dismiss or a statement of non-opposition.  
8 Failure to comply with this order will result in a recommendation that this action be dismissed  
9 without prejudice.

10 DATED: November 29, 2006.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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